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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

AMALIA DEEL and MICHAEL DEEL,  
individually and as successors-in-interest  
to TYLER DEEL, deceased;

Plaintiffs,

vs.

COUNTY OF FRESNO; and DOES 1-10,  
inclusive,

Defendants.

Case No. 1:24-cv-00885-KES-EPG

[*Honorable Kirk E. Sherriff*]  
Magistrate Judge Erica P. Grosjean

**JOINT SCHEDULING REPORT  
PURSUANT TO FEDERAL RULE  
OF CIVIL PROCEDURE RULE  
26(f)**

**Action Filed**

August 1, 2024

**Scheduling Conference**

Nov. 5, 2024 @ 10:00 a.m., Ctrm. 6

**(Proposed) Trial Date:**

March 31, 2024

\*Telephonic Appearance Requested

1           **JOINT SCHEDULING REPORT**

2           The parties hereby submit their Joint Scheduling Conference Report pursuant  
3 to the Court’s Order Setting Mandatory Scheduling Conference dated August 1, 2024,  
4 as well as Federal Rule of Civil Procedure 26(f), following the Parties’ early meeting  
5 of counsel, which took place by videoconference on September 30, 2024.

6           Plaintiffs AMALIA DEEL and MICHAEL DEEL will appear through one or  
7 more of their counsel of record, Dale K. Galipo and Shannon J. Leap of Law Offices  
8 of Dale K. Galipo. Plaintiffs’ Counsel requests to appear at the Scheduling  
9 Conference remotely, by teleconference or videoconference.

10          Defendant County of Fresno will appear through one or more of its counsel of  
11 record, William Camy and/or Alison Southard. Defense counsel requests to appear at  
12 the Scheduling Conference remotely, by teleconference or video conference.

13           **1. FACTUAL AND LEGAL SUMMARY**

14           **Plaintiffs’ Factual and Legal Contentions:**

15          This civil rights and state tort action arises out of the fatal deputy-involved  
16 shooting of Decedent, Tyler Deel, by Fresno County Sheriff’s Department Deputies  
17 (“Deputy Defendants”) on June 30, 2023 at a Valero Gas Station located at or near  
18 525 S. Clovis Avenue, Fresno, California, 93737. Plaintiffs contend that, on  
19 information and belief, the Deputy Defendants knew or should have known that  
20 Decedent was experiencing a mental health or medical crisis. Upon contacting  
21 Decedent at the gas station, the Deputy Defendants used lethal force against  
22 Decedent, striking and killing him. On information and belief, the Deputy  
23 Defendants failed to provide a warning to Decedent that they were going to use  
24 lethal force against him prior to doing so, and despite it being feasible to give a  
25 warning. At all relevant times, Decedent did not pose an immediate threat of death  
26 or serious bodily injury to the deputies or any other person, making the deputies’ use  
27 of deadly force against him unreasonable and excessive. Additionally, the deputies  
28

1 had less than lethal alternatives available to subdue Decedent and take him into  
2 custody safely, however, the deputies failed to use, let alone, exhaust these  
3 alternatives. Defendant deputies also failed to timely provide medical care to  
4 Decedent on the date of the incident. The Defendant County is also liable for failing  
5 to establish appropriate training and protocols, and/or failing to train its deputies in  
6 the in handling of mental health and/or medical crises in accordance with the  
7 Americans with Disabilities Act.

8 Plaintiffs raise the following claims in their Complaint for Damages (Dkt. No.  
9 1): (1) Violation of the Fourth Amendment – Excessive Force (42 U.S.C. § 1983);  
10 (2) Violation of the Fourth Amendment – Denial of Medical Care (42 U.S.C. §  
11 1983); (3) Violation of the Fourteenth Amendment – Substantive Due Process (42  
12 U.S.C. § 1983); (4) Violation of the Americans with Disabilities Act (42 U.S.C. §  
13 12132); (5) Battery (Survival and Wrongful Death); (6) Negligence (Survival and  
14 Wrongful Death); (7) Violation of the Bane Act (Cal. Civil Code § 52.1).

15 **Defendants’ Factual and Legal Contentions:** On June 30, 2023, Fresno  
16 County Sheriff’s Office Deputy Kyle Martinez responded to a call at 5650 E. Waverly  
17 Lane (“Residence”) in Fresno County, which on information and belief was the  
18 residence of Plaintiff Amalia Deel. The call concerned an alleged assault with a  
19 deadly weapon (a knife) by Decedent Tyler Deel (“Decedent”) on one or more family  
20 member(s). Decedent was no longer at the Residence when Deputy Martinez arrived.

21 That same day, there was a dispatch call generated which provided a  
22 description of Decedent and indicated that he was armed with a knife. Deputy J. North  
23 located Decedent. Decedent was holding a large object in his hand. Decedent  
24 aggressively charged toward Deputy North. Deputy North reasonably believed  
25 Decedent posed a threat of death and/or serious bodily injury to himself and/or others.  
26 Deputy North shot Decedent, which was a reasonable use of force in response to this  
27  
28

1 threat. Deputy North and/or other Fresno County Sheriff's Office deputies promptly  
2 began administering medical aid to Decedent.

3 The County contends that any alleged force used on Decedent was reasonable,  
4 and that its employees and/or agents promptly provided medical care to Decedent.  
5 Further, those employees and/or agents are entitled to qualified immunity.

## 6 **2. MAJOR DISPUTED FACTS AND CONTENTIONS OF LAW**

### 7 **A. Plaintiffs' Position:**

8 Plaintiffs contend that Defendant County's employees, including the  
9 Defendant Deputies, were acting under the color of state law and in the course and  
10 scope of their employment when they used lethal force against Decedent, who did  
11 not pose an immediate threat of death or serious bodily injury to any person,  
12 including the Deputies at the time the Deputies used lethal force against him.  
13 Plaintiffs contend that such use of force was unreasonable and excessive, in  
14 violation of the Defendant Deputies' training and standard police officer training,  
15 and in violation of Plaintiffs' rights under federal and state law. Plaintiffs contend  
16 that there were other reasonable, less than lethal alternatives to use of a deadly  
17 weapon; that it was feasible to issue a warning that deadly force would be used; that  
18 the involved deputies were negligent in their tactics. Plaintiffs contend that  
19 Defendant Deputies failed to provide timely medical care to Decedent on the date of  
20 the incident. Plaintiffs further contend that Defendant County failed to train its  
21 deputies to act in accordance with the Americans with Disabilities Act, including to  
22 provide services, accommodations, and/or benefits to qualified individuals with a  
23 disability, such as Decedent.

24 **B. Defendant's Position:** The County contends that all of the County's  
25 employees and/or agents acted reasonably at all times during the events alleged in the  
26 FAC, and that they did not violate any of Plaintiffs' or Decedent's rights or acted with  
27 a specific intent to violate those rights. Further, the County's employees and/or agents  
28

1 are entitled to qualified immunity. Further, none of the County's employees and/or  
2 agents violated the Americans with Disabilities Act during the events alleged in the  
3 Complaint.

### 4 **3. STATUS OF MATTERS PRESENT BEFORE THE COURT**

5 Defendant's Motion to Dismiss Plaintiffs' claims (Dkt. No. 9) is pending before  
6 this Court. The hearing was vacated and the matter was taken under submission, per  
7 Dkt. Entry No. 10.

### 8 **4. DISCOVERY PLAN**

9 **a. Initial Disclosures:** The Parties exchanged initial disclosures on  
10 October 14, 2024, pursuant to Rule 26(a)(1)(C).

11 **b. Proposed Non-Expert Discovery Cut Off Date:** September 26,  
12 2025.

13 **c. Mid-Status Discovery Conference:** May 9, 2025.

#### 14 **d. Expert Discovery**

##### 15 **i. Initial Expert Disclosure Deadline:**

16 **i. Plaintiffs' Position:** October 3, 2025

17 **ii. Defendant's Position:** October 27, 2025

##### 18 **ii. Rebuttal Expert Disclosure Deadline:**

19 **i. Plaintiffs' Position:** October 31, 2025

20 **ii. Defendant's Position:** November 26, 2025

##### 21 **iii. Expert Discovery Cutoff:** December 30, 2025

22 **e. Any changes in limits on discovery:** None at this time.

23 **f. Protective Order:** The Parties will submit a stipulated Protective  
24 Order.

25 **g. Anticipated issues or Proposals relating to Discovery:** There are  
26 no anticipated issues related to Discovery at this time.  
27  
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**h. Anticipated Need to take Discovery outside of the United States:**

None.

**5. Discovery Related to Electronically Stored Information:** The Parties do not anticipate any issues related to the Discovery of Electronically Stored Information (ESI).

**6. Electronic Discovery:** Both parties have read and agreed to comply with the Court's rules relating to electronic, digital, and/or magnetic data discovery. The parties have met and conferred regarding the issue of electronic discovery and did not find it to be an issue in the current case.

**7. Dates for Filing Dispositive Motions**

**i. Plaintiffs' Position:** As reflected below, Plaintiffs request that the non-moving party have fourteen (14) days to file their opposition to the dispositive motion, and do not oppose the moving party having fourteen 14 days to file their reply.

**i. Filing Deadline:** January 12, 2026.

**ii. Opposition Deadline:** January 26, 2026

**iii. Reply Deadline:** February 9, 2026

**b. Defendant's Position:**

**i. Filing Deadline:** February 13, 2026.

**ii. Hearing on Dispositive Motions:** Friday March 20, 2026, at 10:00 a.m.

**c. Pre-trial conference date – *to be set by the Court.***

**8. Status of Settlement Discussions**

**a. Plaintiffs' Position:** The Parties have not engaged yet in any settlement discussions yet, but will begin settlement discussions after a period of discovery.

1           **b. Defendant's Position:** Settlement discussions are premature at this  
2           time. The parties will be in a better position to discuss settlement after  
3           sufficient discovery has been completed and/or a ruling on any  
4           Motion for Summary Judgment and/or Partial Summary Judgment.

5           **9. Jury Trial**

6           **a.** The Parties request a trial by jury. The Parties estimate 5-7 days for  
7           the trial.

8           **b.** Proposed Trial Date:

9                   **i. Plaintiffs' Position:** March 31, 2026.

10                   **ii. Defendant's Position:** June 26, 2026

11           **10. Bifurcation**

12           **a. Plaintiffs' Position:** Plaintiffs request that the trial be conducted in a  
13           single phase.

14           **b. Defendant's Position:** After sufficient discovery has taken place,  
15           Defendant may request that trial be bifurcated into multiple phases,  
16           such as liability and damages.

17           **11. Related Cases**

18           **a.** This case is not related to any other matter pending in this Court or  
19           any other court.

20           **12. Other Issues: Anticipated Amendments to the Pleadings.**

21           Plaintiffs anticipate filing either a motion to amend or a stipulation to amend  
22           current claims, add additional claims, and name additional currently unidentified  
23           deputies once such identities and factual information become available through  
24           discovery. Plaintiffs are hopeful that such amendment may be accomplished through  
25           stipulation.

26           **Defendant's Position:** It is possible the operative complaint will be amended  
27           as a result of the Court's ruling on the pending Motion to Dismiss. Pursuant to  
28

1 F.R.C.P. Rule 15(a)(2), Plaintiffs may not otherwise amend the complaint without  
2 leave of court or the written consent of Defendant, upon a showing of good cause.

3  
4  
5 DATED: October 29, 2024

LAW OFFICES OF DALE K. GALIPO

6  
7 /s/ Dale K. Galipo

8 Dale K. Galipo  
9 Shannon J. Leap  
10 *Attorney for Plaintiffs*

11 DATED: October 29, 2024

PORTER SCOTT

12  
13 /s/ Alison J. Southard (as authorized on  
14 10/29/2024)

15 William E. Camy  
16 Alison J. Southard  
17 *Attorneys for Defendants*  
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